

REMARKS

The claims are claims 1, 10, 12, 29, 33, 34 and 45 to 54.

Claims 1, 10, 12 and 29 are amended. Claims 13, 19, 37 and 41 are newly canceled. New claims 45 to 54 are added. New claims 45, 48 and 51 recite the cross configuration of control keys as previously recited in claim 33. New claims 46, 49 and 52 recite the fingerprint sensor is embedded in a remote control activation key as previously recited in claim 34. New claims 47, 50, 53 and 54 recite deactivation of the remote control device on no activation of a control key for a predetermined period of time. This subject matter is disclosed in the original application at page 12, lines 1 to 4.

Claims 33 and 34 were rejected under 35 U.S.C. 112, second paragraph, as indefinite. The FINAL REJECTION points out these claims are dependent upon canceled claims.

Claims 33 and 34 have been amended to depend upon claim 29. The Applicants submit these amendments cure the rejections under 35 U.S.C. 112, second paragraph.

Claims 1, 10, 12, 29, 33 and 34 were rejected under 35 U.S.C. §102(b) as anticipated by Merjanian U.S. Patent No. 5,920,642.

Claims 1, 10, 12 and 29 recite subject matter not anticipated by Merjanian. Claims 1, 10, 12 and 29 recite a plurality of control keys and "a fingerprint sensor embedded in one of the control keys." The FINAL REJECTION cites Figure 7 of Merjanian as disclosing control keys and cites "key 30" as the claimed fingerprint sensor embedded in a control key. Merjanian fails to teach element 30 as a key. Element 30 of Merjanian is always called "platen 30." Merjanian states at column 4, lines 26 to 35:

"In FIG. 1, a hand 28 has grasped the ergonomic reader 20 and has placed a digit 32 on a platen 30. The platen 30 serves as an image transfer surface upon which the image from the digit

32 is conveyed to an image sensing device. The image sensing device converts the optical image from a top surface of the platen 30 to an electronic signal for transmission through wires or optical cables (not shown) within the tether 22 into the base 24."

Thus Merjanian clearly teaches element 30 as part of a fingerprint sensor. No portion of Merjanian teaches element 30 is embedded in a control key as recited in claims 1, 10, 12 and 29. The Applicants respectfully submit that Merjanian separately discloses control key and a fingerprint sensor but fails to anticipate the claimed fingerprint sensor embedded in a control key. Accordingly, claims 1, 10, 12 and 29 are allowable over Merjanian.

Claims 33, 45, 48 and 51 recite subject matter not anticipated by Merjanian. Claims 33, 45, 48 and 51 recites "some control keys disposed in a thumb actuated cross configuration" and "the fingerprint sensor is integrated within a middle portion of the thumb operated cross configuration." The FINAL REJECTION cites column 8, lines 8 to 22 and column 12, lines 38 to 45 of Merjanian as anticipating this subject matter. Column 8, lines 8 to 22 of Merjanian describe Figure 7. Figure 7 clearly illustrates control keys 212H, 211I, 212J and 212K disposed in the claimed cross configuration. Platen 30 of the fingerprint sensor of Merjanian is disposed remotely from this cross configuration of control keys. Figure 7 illustrates platen 30 as disposed outside the cross configuration of control keys 212H, 211I, 212J and 212K. Column 8, lines 8 to 22 of Merjanian fails to teach that platen 30 is "integrated within a middle portion of the thumb operated cross configuration" as recited in claims 33, 45, 48 and 51. Further, column 12, lines 38 to 45 includes no teaching regarding the relative placement of control keys and a fingerprint sensor. Accordingly, claims 33, 45, 48 and 51 are allowable over Merjanian.

Claims 34, 46, 49 and 52 recite subject matter not anticipated by Merjanian. Claims 34, 46, 49 and 52 recite "said control keys

include an activation key operable to activate the remote control device, and said fingerprint sensor is embedded in the activation key." The FINAL REJECTION cites platen 30 illustrated in Figure 7 and column 7, lines 44 to 67, column 8, lines 8 to 23 and column 11, lines 17 to 46 of Merjanian as anticipating this subject matter. Firstly, Merjanian never describes platen 30 as a control key. Secondly, Merjanian never describes operating platen 30 as activating the remote control device. Merjanian states at column 11, lines 41 to 46 (within a portion cited by the Examiner):

"Confirmation of the validation may be by completing the channel selection, for example, allowing access to a restricted channel, or, in the case of programming that is to appear at a later time such as a pay-per-view movie that starts at the beginning of the next hour, by an icon or text on the screen."

This "confirmation of the validation" is something that must happen in conjunction with the display, by allowing access to a channel or providing an icon or test on the screen. Note that this disclosed confirmation could take place following a channel selection key after putting a finger on platen 30. Thus Merjanian fails to teach that placing a finger of platen 30 directly causes this confirmation. Merjanian likewise fails to teach that putting a finger on platen 30 activates the remote control 200. Accordingly, claims 34, 46, 49 and 52 are allowable over Merjanian.

Claims 47, 50, 53 and 54 recite subject matter not anticipated by Merjanian. Claims 47, 50, 53 and 54 recite "said remote control device deactivates if no control key is activated for a predetermined period of time." This limitation is not taught in Merjanian. Accordingly, claims 47, 50, 53 and 54 are allowable over Merjanian.

The Applicants respectfully request early consideration on the merits and advance to issue.

If the Examiner has any questions or other correspondence regarding this application, Applicants request that the Examiner contact Applicants' attorney at the below listed telephone number and address to facilitate prosecution.

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Respectfully submitted,

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